

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:20 CR 508 RWS
)	
REGINALD AUSTIN,)	
)	
Defendant.)	

ORDER

On July 28, 2020, officers of the St. Louis Metropolitan Police Department discovered a gun on Defendant Reginald Austin's person when he was patted-down after a traffic stop. On September 10, 2020, Austin was charged in a one count indictment with being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). On March 30, 2021, Austin filed a motion to suppress evidence and statements. Austin argues that the gun evidence should be suppressed because there was no reasonable suspicion nor probable cause that he had committed a traffic violation. Austin also argues that the traffic stop was unconstitutionally extended in duration which led to the discovery of the gun.

On April 29, 2021, a United States Magistrate Judge held an evidentiary hearing on Austin's motion to suppress. The Magistrate Judge held a supplemental hearing on July 30, 2021. Austin and the United States filed post-hearing briefs after both hearings. On September 8, 2021, the Magistrate Judge filed a report and

recommendation that Austin's motion to suppress should be denied. On January 27, 2022, Austin filed an objection to the Magistrate Judge's report and recommendation. Plaintiff United States filed a response to Austin's objections on February 18, 2022.

I have performed a de novo review of Austin's motion, including reviewing the parties' initial briefs, the hearing transcripts, the post-hearing briefs, and the objection and response briefs. I agree with the Magistrate Judge's recommendation that Austin's motion should be denied for the reasons stated in her report.

Accordingly,

IT IS HEREBY ORDERED that I hereby adopt and incorporate Magistrate Judge Shirley Padmore Mensah's thoughtful and thorough report and recommendation dated September 8, 2021 [81].

IT IS FURTHER ORDERED that Defendant Reginald Austin's motion to suppress [50] is **DENIED**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 21st day of March, 2022.